

Appl. No. 10/086,891

REMARKS | ARGUMENTS

The amendments described above leave 28 claims pending in this application, including 2 independent claims.

In the Office Action, the Examiner made reference to 9 documents:

| Document | Date | inventor |
|-----------------|---------------|----------------------|
| US4,013,293 | March 1977 | Hess et al. |
| US5,328,188 | July 1994 | Brotz, Gregory R. |
| US3,026,110 | March 1962 | Hess |
| US3,093,919 | June 1963 | Holtz |
| US3,573,869 | April 1971 | Duckett, John W. |
| US4,055,343 | October 1977 | Stuart, Edwin G. |
| US3,176,989 | April 1965 | Harrison |
| US6,131,905 | October 2000 | Christian, Walter T. |
| US4,305,587 | December 1981 | O'Grady, Gerald J. |

Substantive Rejections

Amendments to the Specification

The Examiner requested that the applicant review the application to correct typographical errors. The applicant has reviewed the application and has made the following changes to the description:

| Paragraph | Amendment Made |
|-----------|---|
| 2 | Amendment made to improve the grammar and to improve the readability of the language. |
| 8 | Amended to improve grammar. |
| 10 | Amended to improve the readability of the description of a support to which a non-magnetic game board may be attached. |
| 22 | Amended to correct the spelling of the word embodiment and to more distinctly indicate that the image drawn on the top layer 44" to define the general scoring area. The support has been further described as a table of four to improve the readability of the paragraph. The paragraph has otherwise been amended to improve the grammar. |
| 25 | An incorrect reference numeral has been corrected. |
| 28 | The spelling of the word allotted has been corrected. |
| 29 | The word blocking has been changed to scoring to correctly identify scoring pieces. |
| 31 | The spelling of the word "two" has been corrected. |
| 32 | Several reference numerals have been corrected. The paragraph has also been amended to improve the grammar. |
| 35 | An incorrect reference numeral has been corrected. |

The Applicant has amended Figure 7 of the description to add reference numerals 232, 234, 236 and 238. An amended copy of Figure 7 is attached.

The amendments made to the description do not add any new matter to the application and accordingly do not require the Examiner to conduct a further search.

Amendments to the Claims

The applicant has amended claims 1, 5, 6 and 7. Claims 2-4 and 21-26 have been deleted. Claims 27-37 are newly added.

Claim 1 has been amended to describe a game comprising a game board having a general scoring area; one or more blocking pieces configured to be positioned on the game board to define a specific scoring area wherein the specific scoring area is a portion of the general scoring area; and one or more scoring pieces that are configured to be positioned on the game board. Within the context of the present invention a specific scoring area is all or part of a general scoring area in one embodiment of the present invention the specific scoring area is defined as the portion or portions of the general scoring area that are uncovered after the one or more blocking pieces have been positioned on the game board.

Claims 5 to 7 have been cosmetically to improve their readability and to more distinctly define the present invention.

New claims 27-37 are method claims and share a common inventive concept with the originally filed apparatus claims.

New claim 27 provides a method for playing a game comprising providing a game board having a general scoring area; positioning at least one or more blocking pieces on the game board to define a specific scoring area, wherein the specific scoring area is the portion of the general scoring area that is not covered by the blocking pieces and positioning one or more scoring pieces on the game board.

Claim Rejections – 35 USC § 112

The Examiner objected to claim 21 as being indefinite. The applicant has cancelled claim 21 without prejudice.

Claim Rejections – 35 USC § 102

The Examiner rejected claim 1 as being anticipated by O'Grady.

O'Grady illustrates a game in which relatively flat projectiles 30 are thrown at a target board 20. The target board and the projectiles adhere to one another through magnetic attraction. The target board has various sections identified by sections such as circle 100 and vertical and horizontal axes 80 and 90. Different sections are marked with different numbers representing points that are scored for throwing a projectile 30 into the corresponding section.

O'Grady does not disclose or suggest any change in the scoring values for different sections of the board based on the adherence of projectiles to the board. In essence, O'Grady's target board provides a general scoring area which is subdivided into sections which are associated with different points to be awarded if a projectile is adhered to one of these sections. However O'Grady does not disclose any mechanism for changing the shape of these general scoring areas to provide specific scoring areas. Specifically, O'Grady does not contemplate the use of any of his projectiles as blocking pieces which have the effect of defining a specific scoring area which is a subset of the general scoring area.

Accordingly, the applicant respectfully submits that claim 1 as amended is not anticipated by O'Grady. Claims 2-9 and claims 16-19 are dependent on claim 1 and accordingly the applicant respectfully submits that these claims are not anticipated by O'Grady for the same reasons as claim 1.

The Examiner objected to claims 20-26 as being anticipated by Christian. While the applicant has cancelled claims 20-26 without prejudice the applicant respectfully submits that Christian does not anticipate these claims. Christian describes a game in which a container 14 is placed on a surface 12. The container 14 has a cylindrically shaped magnet 20 in it and the players compete to throw a disc 22 as close as possible to the container 14. The magnets 20 may move inside container 14 and the discs themselves interact magnetically with magnet 20 thereby affecting their positioning and travel as they approach container 14 and come to a rest. In the game described by Christian container 14 actually operates as a target rather than

as a blocking piece. Christian does not describe any general scoring area into which pieces may be tossed. Christian does not describe or suggest the use of blocking pieces which change the shape of a general scoring area, in particular since no general scoring area is described or contemplated.

The applicant respectfully submits that claims 20-26 as submitted in the original application as filed would not be anticipated by Christian.

Claim Rejections – 35 USC § 103

The applicant objected to claims 1-15 as being unpatentable over O'Grady in view of Stuart.

The Examiner is correct that Stuart illustrates the use of hook and loop attachment means in a game. However Stuart does not at all illustrate the use of specific scoring areas that are defined by blocking pieces positioned in a general scoring area. As submitted above O'Grady also does not describe or contemplate or suggest specific scoring areas that are created by positioning blocking pieces in a general scoring area.

Accordingly, the applicant respectfully submits that a skilled person would not be led to the game defined in claim 1 as amended based on a review of O'Grady and Stuart. Neither O'Grady nor Stuart suggests the use of specific blocking pieces and in fact neither one suggests any change to the scoring areas and their respective games based upon the positioning of projectiles or playing pieces.

The applicant respectfully submits claims 1-15 are patentable over O'Grady in view of Stuart.

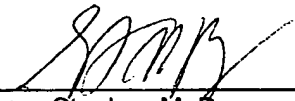
CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

In view of the foregoing comments, it is respectfully submitted that the application is now in condition for allowance. If the Examiner has any further concerns regarding the language of the claims or the applicability of the prior art, the Examiner is respectfully requested to contact the undersigned at 416-957-1697.

Respectfully submitted,

Bereskin & Parr

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

Please amend the following paragraphs of the description as follows.

Paragraphs not set out below are not affected by this amendment.

Paragraph 0002

Various games based on tossing ~~playing~~ pieces onto a game board are known. I e , United States Patent 4,305,587 discloses a magnet based target game in which flat magnetic game pieces are thrown onto a target board. The target board has a fixed configuration with several scoring areas. If a game piece is thrown into a scoring area, the player scores a point. United States Patent 6,131,905 discloses a game in which players compete to [the slider]~~toss a~~ playino piece [the marker] as close as possible to a center piece without contacting the center piece. The center piece is a hollow container containing a magnet which may move during the game. Players score by landing a playing piece as close as possible to the center piece.

Paragraph 0008

In other embodiments, more than one general scoring area may be provided and may be associated with different numbers of points or different rules for successfully positioning a scoring piece. For example, in a game based on football, an end zone scoring area may used for touchdowns and a field goal standard scoring areas may be used [to]for field goals.

Paragraph 0010

In another embodiment, only the blocking pieces and scoring pieces may be provided with a magnetic layer. The game board may be formed of a magnetically transparent material and may be attached to a [metal] support using external magnets, tape, glue, clips or other fastening

devices. Preferably, the [metal surface] support is capable of being attached to a magnet[, such as a typical refrigerator door]. The blocking and scoring pieces may then be positioned on the game board, where they will become attached to underlying support and will thus remain in a fixed position on top of the game board.

Paragraph 0022

Figure 3b is a cross-sectional view of another alternative [emobidiment] embodiment of a game board 22" according to the present invention. Game board 22" has a top layer 44" on which an image that defines a general scoring area, such as net 28, may be printed or formed. Game board 22" does not have a magnetic layer. Game board 22" may comprise a sheet of paper, cardboard, wood, metal, plastic or another suitable material onto which net 28 may be been printed or formed. Game board 22" may be attached to a support by the other attachment means such as magnets, tape, clips, glue or a fastening device such as screws or staples. Game board 22" may be attached to a magnetic support using one or more external magnets. The magnetic support need not itself be magnetized, but need only be capable of magnetic attachment with the external magnets. Alternatively, game board 22" may be used by positioning it on a support, such as a table or floor or other surface, without attaching game board 22" to the support.

Paragraph 0025

Reference is next made to Figures 4 and 5 which illustrate game 20 in use. Blocking piece 24 and scoring piece 60 have been positioned on game board 22. Scoring piece 62 has been positioned on top of blocking piece 24 and scoring piece 56[24] has been positioned partially on blocking piece 24 and partly directly on game board 22. Blocking piece 24 is held onto game board 22 by a magnetic attraction between their respective magnetic base layers 52 and 46. Similarly, scoring pieces 60, 62 and 64 are held onto blocking piece 24 and game board 22 by a magnetic attraction between their magnetic base layers 56 and the magnetic base layers 46 and 52 of blocking piece 24 in game board 22.

Paragraph 0028

if an alternative embodiment of game board 22 that does not have a magnetic base layer is being used, then game board 22 may be held on a non-horizontal support by separate magnets, clips, pins, tape or other attachment or fastening devices. A first player then positions blocking piece 24 by tossing it at game board 22. In doing so, the first player attempts to cover as much of general scoring area 30 as possible with blocking piece 24. The portions of general scoring area 30 which are not covered by blocking piece 24 are defined as a specific scoring area 70. Specific scoring area 70 may have only one section or it may consist of discontinuous portions of general scoring area 30, as is illustrated in Figure 4, depending on how blocking piece 24 is positioned. A second player then positions scoring pieces 26 by tossing them onto game board 22 and/or blocking piece 24. In doing so, the second player attempts to throw scoring pieces 26 so that they are entirely within specific scoring area 70. The second player may be allotted any selected number of scoring pieces 26. When the second player has completed tossing all of the allotted [allotted] scoring pieces 26, the number of scoring pieces 26 positioned entirely within specific scoring area 70 is counted and the second player is awarded a corresponding number of points. In the configuration illustrated in Figure 4, scoring piece 60 is positioned entirely within specific scoring area 70 and accordingly will score a point for the second player. Scoring piece 62 is positioned entirely on top of blocking piece 24 and is therefore not within specific scoring area 70 and does not score a point for the second player. Scoring piece 64 is positioned partially within specific scoring area 70. According to the rules set out above, scoring piece 26 does not score a point for the second player. In an alternative method of using game 20, a point may be allotted for a scoring piece which is partially within specific scoring area 70 and in such a case, scoring piece 26 would score a point for the second player.

Paragraph 0029

The players may alternately take turns in positioning blocking piece 24 and scoring pieces 26 and may compete to determine which player can score the greater number of points using the allotted number of [blocking scoring pieces 26 during a single turn or over a selected number of turns. Game 20 may be used to loosely emulate a hockey game by allowing each player to have three turns corresponding to the three periods of a standard professional hockey game. If

the players are tied at the end of the three periods, an overtime period may be used to break the tie.

Paraoraph 0031

Reference is next made to Figure 6, which illustrates a game 120 according to a second embodiment on a present invention. Game 120 incorporates a game board 122, [to] two blocking pieces 124a and 124b and a plurality of scoring pieces 126a to 126h. Game board 122 has two hockey nets, 128a and 128b depicted on it at opposite ends 172 and 174 of game board 122. The blocking pieces 124 and scoring pieces 126 depict two teams of hockey players. The first team, which is shown with black jerseys, comprises blocking piece 124a and scoring pieces 126a to 126d. The second team, which is shown with white jerseys, comprises blocking piece 124b and scoring pieces 126e to 126h. Game 120 may be used by two players who may sit or stand adjacent to the opposite ends 172 and 174 of game board 122. Each player selects one of the two teams of hockey players and positions the respective blocking piece 124 from his set of game pieces onto the net closest to him. As in game 20, the position of each blocking pieces 124a and 124b defines specific scoring areas 170a and 170b. The players then alternately attempt to position one of their scoring pieces 126 in the other players specific scoring area 170a or 170b. In game 120, each player is allotted four scoring pieces. All four scoring pieces from the first team have been tossed by the first player. Scoring pieces 126a and 126c are outside of the specific scoring area 170b since they are at least partially outside of net 128b and therefore will not score a point for the first player. Scoring piece 126b will not score a point for the first player since it is positioned partially on top of blocking piece 124b. The first player will score a point for positioning scoring 126d entirely within specific scoring area 170b. The second player has thrown only three of his four scoring pieces and each of scoring pieces 126e, 126f and 126g is contained entirely within general scoring 170a. Accordingly, the second player has scored three points. The second player also has one remaining scoring piece 126h.

Paraoraph 0032

Reference is next made to Figure 7, which illustrates a game 220 in accordance with a third embodiment of the present invention. Game 220 includes a game board 222 with a pair of soccer nets 228 at its opposite ends 172 and 174, a pair of blocking pieces 224a and 224b and a number of scoring pieces 226a– 226d. Soccer net ~~[224a]~~ 228a has a general scoring area delimited by its posts 232, 234, crossbar 236 and goal line ~~[236]~~ 238. Game board 222 has a decorative center line 274 and kick-off circles 276 and 278. Such decorative elements increase the resemblance between game board 222 and a soccer field. Similar decorative elements could be added to game boards 22 or 122 to increase their resemblance [with] ~~to~~ a hockey rink.

Paragraph 0035

Reference is made to Figure 8, which illustrates a game 320 according to a fourth embodiment of the present invention. Game 320 has a game board 322 with a basketball net 328 depicted on it. The entire area of net 328 defines a general scoring area. Game 320 includes two differently shaped blocking pieces ~~[342a]~~ 324a and 324b, which have been positioned on game board 322 by a first player to define a specific scoring area 370. Game 320 also includes a number of scoring pieces 326a – 326c. In game 320, a scoring piece is considered to successfully positioned by the second player if it is partially within the specific scoring area but not on any of the blocking pieces 326. Accordingly, scoring pieces 326a and 326b are successfully positioned. However, scoring piece 326c is not successfully positioned since it partially overlaps blocking piece 324b.

In the claims:

Please amend claim I as follows:

1. A game comprising:
 - (a) a game board having a general scoring area;

- (b) one or more blocking pieces configured to be positioned ~~[to]~~on said game board to define a specific scoring area, wherein said specific scorinu area is a portion of said general scorinu area; and
- (c) one or more scoring pieces configured to be positioned [to] on said game board.

Please cancel claims 2 to 4, without prejudice.

Please amend claim 5 as follows:

5. The game of claim 1 wherein each of the blocking pieces includes a magnet for fixedly positioning the blocking pieceson [to] the game board.

Please amend claim 6 as follows:

6. The game of claim 1 wherein each of the scoring pieces includes a magnet for fixedly positioning the blocking pieceson [to] the game board.

Please amend claim 7 as follows:

7. The game of claim 1 wherein:
- (i) the game board includes [has a top surface with] a base attachment means;
 - (ii) the blocking pieces have a complementary attachment means; and
 - (iii) the base attachment means and complementary attachment means cooperate to affix the blocking pieces to the game board.

Please add claims 27-37.

27. A method of playing a game comprising:
- (a) providing a game board having a general scoring area;

- (b) positioning at least one or more blocking pieces on said game board to define a specific scoring area, wherein the general scoring area is the portion of the specific scoring area that is not covered by the blocking pieces; and
- (c) positioning one or more scoring pieces on said game board.

28. The method of claim 27 wherein said blocking pieces are positioned by tossing them onto said game board.

29. The method of claim 28 wherein said scoring pieces are positioned by tossing them onto said game board.

30. The method of claim 27 wherein said scoring pieces are positioned by tossing them onto said game board.

31. The method of claim 27 wherein said game board includes a base attachment means and wherein each of said blocking pieces include a complementary attachment means and wherein said base attachment means and said complementary attachment means cooperate to fixedly position said blocking piece on said game board.

32. The method of claim 31 wherein said base attachment means includes a magnet and said complementary attachment means includes another magnet.

33. The method of claim 31 wherein said base attachment means is a one part of a hook and loop fastening system and said complementary attachment means is another part of said hook and loop fastening system.

34. The method of claim 27 wherein said game board is positioned on a base attachment means and wherein each of said blocking pieces include a complementary attachment means and wherein said base attachment means and said complementary attachment means cooperate to fixedly position said blocking piece relative to said game board.

35. The method of claim 31 wherein said base attachment means includes a magnet and said complementary attachment means includes another magnet.

36. The method of claim 27 further comprising awarding one or more points for positioning said scoring piece entirely within said specific scoring area.

37. The method of claim 27 further comprising awarding one or more points for positioning said scoring piece at least partially within said specific scoring area.

"Version with markings to show changes made"

